

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 30, 2003

IN RE:

GENERIC DOCKET ADDRESSING
RURAL UNIVERSAL SERVICE

)
)
)
)

DOCKET NO.
00-00523

ORDER GRANTING INTERVENTIONS OF US LEC OF TENNESSEE, INC. AND
SPRINT SPECTRUM L.P. D/B/A SPRINT PCS

This docket came before the Pre-Hearing Officer for consideration of the *Petition to Intervene* filed on May 8, 2003 by US LEC of Tennessee, Inc ("US LEC") and the *Petition of Sprint Spectrum L.P. d/b/a Sprint PCS for Leave to Intervene* filed on May 22, 2003 by Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint Spectrum").

Tennessee Code Annotated Section 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.¹

¹ Tenn. Code Ann. § 4-5-310(a) (1998).

In its petition, US LEC asserts that “[t]his docket also includes issues regarding interconnection arrangements among wireless carriers, ILECs, and competitive local exchange carriers, such as US LEC.”² Based on this assertion US LEC contends that its interests may be affected by or determined in this docket. US LEC further states that it will comply with the current schedule in this docket.

Sprint Spectrum also asserts that this docket may affect its interests. In its petition, Sprint Spectrum explains that it is a commercial mobile radio service provider and that its customers may initiate traffic of the type discussed in the *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions* filed in this docket on May 5, 2003. Sprint Spectrum also alleges that its intervention will not impair the interests of justice and the orderly and prompt conduct of this docket.

The Hearing Officer finds that the petitions were timely filed and substantiate that the movants’ legal interests may be affected by this docket. Further, the movants’ interventions will not impair the interests of justice or the orderly and prompt conduct of this docket. Additionally, no party objected to either intervention. Therefore, pursuant to Tennessee Code Annotated Section 4-5-310(a), the petitions should be granted.

IT IS THEREFORE ORDERED:

1. The *Petition to Intervene* filed by US LEC of Tennessee, Inc. on May 8, 2003 is granted. US LEC of Tennessee, Inc. may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.

2. The *Petition of Sprint Spectrum L.P. d/b/a Sprint PCS for Leave to Intervene* filed on May 22, 2003 by Sprint Spectrum L.P. d/b/a Sprint PCS is granted. Sprint Spectrum L.P.

² *Petition to Intervene*, 1 (May 8, 2003).

d/b/a Sprint PCS may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.

Ron Jones, Director
Hearing Officer³

³ See *Order Accepting Petition for Appeal and Appointing Hearing Officer*, 3 (Sept. 17, 2002) (appointing Director Jones as the Hearing Officer for the purpose of preparing this docket for consideration by the Directors).